

The article was alleged to be adulterated under the provisions of the act relating to drugs in that it was sold under the name *aceite de almendras*, i. e., in English, oil of almond, which name has the same significance as names recognized in the United States Pharmacopoeia, i. e., "Expressed almond oil and oil of sweet almond, and it differed from the standard of strength, quality, and purity for expressed almond oil and oil of sweet almond as determined by the tests laid down in said pharmacopoeia official at the time of investigation and its own standard of strength, quality, or purity was not stated on the container. It was alleged to be misbranded under the provisions relating to drugs in that the statements on the can label, "*Aceite de Almendras*" and "*Marca Torre, Significando La Mejor Garantia En Calidad Y Pureza Absoluta*," which are translated into English as "Oil of Almond" and "Tower Brand signifies the best guaranty in quality and absolute purity," were false and misleading since the article was not oil of almond but consisted essentially of cottonseed oil flavored with benzaldehyde.

The article was alleged to be adulterated under the provisions of the act relating to food in that cottonseed oil flavored with benzaldehyde had been substituted in part for oil of almonds, which it purported to be. It was alleged to be misbranded under the provisions relating to food in that the statements, "*Aceite de Almendras*," "*Marca Torre*," and "*Significando la Mejor Garantia En Calidad Y Pureza Absoluta*," were false and misleading and tended to deceive and mislead the purchaser; and in that it was an imitation of oil of almond, that is, a substance consisting essentially of cottonseed oil flavored with benzaldehyde and was offered for sale under the name of another article, oil of almonds.

On March 22, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture*.

28735. Adulteration and misbranding of unguentum yellow oxide mercury, unguentum belladonna, phenacetin and salol tablets, and boric acid ointment. U. S. v. Reese Laboratories, Inc. Plea of guilty. Fine, \$250. (F. & D. No. 40760. Sample Nos. 38378-C, 38384-C, 38389-C, 38393-C.)

This case involved unguentum yellow oxide mercury which contained less mercuric oxide than required by the United States Pharmacopoeia and less than declared on the label; unguentum belladonna which contained alkaloids of belladonna leaves in excess of the amount prescribed by the pharmacopoeia; phenacetin and salol tablets which contained phenyl salicylate in excess of the amount prescribed by the National Formulary and in excess of the amount declared on the label and which failed to bear on its label a proper declaration of phenacetin; and boric acid ointment which contained boric acid in excess of the amount prescribed by the pharmacopoeia.

On February 11, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Reese Laboratories, Inc., New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 26, April 21, and June 18, 1937, from the State of New York into the State of New Jersey, of quantities of the above-named drugs that were adulterated and misbranded. The articles were labeled variously: "Arelene Brand Unguentum Yellow Oxide Mercury [or "Unguentum Belladonna," "Tablets Phenacetin and Salol (N. F. VI)," or "Arelene Boric Acid Ointment"] * * * Reese Laboratories, Inc. New York, N. Y."

The unguentum yellow oxide mercury was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard prescribed therein, since it contained less than 0.9 percent, namely, not more than 0.69 percent of mercuric oxide; whereas the pharmacopoeia provides that yellow mercuric oxide ointment shall contain not less than 0.9 percent of mercuric oxide, and the standard of strength, quality, and purity of the article was not declared on the container. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be unguentum yellow oxide mercury which conformed to the standard laid down in the United States Pharmacopoeia, 10th revision, and was represented to contain 1 percent of mercuric oxide; whereas it did not conform to the standard laid down in said pharmacopoeia and contained less than 1 percent of mercuric oxide. It was alleged to be misbranded in that the statement "Unguentum Yellow Oxide Mercury 1% U. S. P. X," borne on the label, was false and misleading.

The unguentum belladonna was alleged to be adulterated in that it was sold under a name recognized in the pharmacopoeia and differed from the standard prescribed therein, since it yielded more than 0.132 percent, namely, not less than 0.15 percent of the alkaloids of belladonna leaf; whereas the pharmacopoeia provides that belladonna ointment shall yield not more than 0.132 percent of the alkaloids of belladonna leaf, and the standard of strength, quality, and purity of the article was not declared on the container. It was alleged to be misbranded in that the statement "Unguentum Belladonna, U. S. P. XI," borne on the label, was false and misleading.

The phenacetin and salol tablets were alleged to be adulterated in that they were sold under a name recognized in the National Formulary but differed from the standard prescribed therein, since each of the tablets contained more than 110 percent, namely, not less than 484 percent of the labeled amount of phenyl salicylate [salol], equivalent to 2.42 grains per tablet; whereas the said formulary provides that phenacetin and salol tablets shall contain not more than 110 percent of the declared amount of phenyl salicylate; and the standard of strength, quality, and purity of the article was not declared on the container.

They were alleged to be misbranded in that the statement "Tablets Phenacetin and Salol (N. F. VI) * * * Salol $\frac{1}{2}$ Gr.," borne on the label, was false and misleading since they did not conform to the standard laid down in the National Formulary and each of the tablets contained more than $\frac{1}{2}$ grain, namely, not less than 2.42 grains of salol. It was alleged to be misbranded further in that it contained phenacetin, a derivative of acetanilid, and the label on the package failed to bear a statement that phenacetin is a derivative of acetanilid.

The boric acid ointment was alleged to be adulterated in that it was sold under a name recognized in the pharmacopoeia but differed from the standard prescribed therein, since it contained more than 11 percent, namely, not less than 13.08 percent of boric acid; whereas said pharmacopoeia provides that boric acid ointment shall contain not more than 11 percent of boric acid and the standard of strength, quality, and purity of the article was not declared on the container thereof. It was alleged to be misbranded in that the statement "Boric Acid Ointment U. S. P.," borne on the cartons and tubes, was false and misleading.

On March 14, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$250.

W. R. GREGG, *Acting Secretary of Agriculture.*

28736. Adulteration of solution of citrate of magnesia. U. S. v. Valdosta Drug Co. Plea of nolo contendere. Fine, \$75. (F. & D. No. 39825. Sample Nos. 22749-C, 44111-C.)

This product differed from the standard established by the United States Pharmacopoeia because of deficiency in magnesium citrate and citric acid.

On December 6, 1937, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Valdosta Drug Co., a corporation, Valdosta, Ga., alleging shipment by said company in violation of the Food and Drugs Act on or about April 7 and 9, 1937, from the State of Georgia into the State of Florida of two lots of solution of citrate of magnesia which was adulterated. The article was labeled in part: "Valdosta Drug Co., Valdosta, Ga."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein, since the two lots were found to contain in each 100 cubic centimeters an amount of magnesium citrate corresponding to not more than 0.92 gram and 0.57 gram, respectively, of magnesium oxide, and in each 10 cubic centimeters citric acid equivalent to not more than 20.7 cubic centimeters and 23 cubic centimeters, respectively, of half-normal hydrochloric acid, whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters an amount of magnesium citrate corresponding to not less than 1.6 grams of magnesium oxide, and in each 10 cubic centimeters of the solution citric acid equivalent to not less than 26 cubic centimeters of half-normal hydrochloric acid; and its own standard of strength, quality, and purity was not declared on the container.

On March 21, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$75.

W. R. GREGG, *Acting Secretary of Agriculture.*